

## **Probate Notes for April 6, 2009**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

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**CASE: LPS Conservatorship of Carol Graves**  
**Case No. LPSQ 07-036**

It is recommended to approve the first and final account and report of conservator and to grant the petition for discharge of conservator.

**CASE: LPS Conservatorship of Michael Moore**  
**Case No. CV PB 05-085**

It is recommended to approve the fourth and final account and report of conservator and to grant the petition for discharge of conservator.

**CASE: LPS Conservatorship of Jankretz Shetler**  
**Case No. CV PB 04-213**

It is recommended to approve the fourth and final account and report of conservator and to grant the petition for discharge of conservator.

**CASE: LPS Conservatorship of Kathleen Wimer**  
**Case No. LPSQ 08-001**

It is recommended to approve the first account and report of conservator and to grant the petition for reappointment of conservator.

**CASE: Probate Conservatorship of Juanita Maxine King**  
**Case No. CV PC 09-31**

It is recommended to grant the petition for appointment of probate conservator of the person and the estate.

**CASE: Probate Conservatorship of Jean N. Lamb**  
**Case No. CV PB 06-182**

The following deficiencies are noted:

- (1) Petitioner must use Judicial Council Form GC-400(SUM); and
- (2) Original bill statements from the residential or long-term care facility are required. (Prob. Code, § 2620, subd. (c)(5).)

It is recommended that the Court order the petitioner to pay \$450.00 for the Court Investigator's report that was filed on May 14, 2008.

**CASE:            Probate Conservatorship of Anneliese M. Grumbach**  
**Case No. CV PB 03-183**

It is recommended that the petitioner explain (1) why the estate continued to incur charges for groceries after the conservatee had moved into a residential or long-term care facility on July 15, 2008; and (2) the home repair charges incurred in August, 2008, through December, 2008, including the property for which repairs were made, the agreement concerning financial responsibility for the repairs, and the nature of the repairs made.

**CASE:            Estate of Evelyn N. Griffin**  
**Case No. CV PB 98-129**

- (1) Items not listed below have been adequately addressed by the petitioners.
- (2) The following deficiencies in the amended final account and report are noted:
  - (a) The summary of account in the amended final account and report filed on March 19, 2009, shows the \$354,532.59 the estate of Evelyn Griffin paid to Joseph Griffin as an "account receivable" and an "account receivable disbursed." Petitioners have not established that the \$354,532.59 paid to Joseph Griffin is a "receivable" for Evelyn Griffin's estate. \$354,532.59 should only be shown as a disbursement by the estate of Evelyn Griffin.
  - (b) Petitioners state that the miscellaneous charges shown in the summary of account and in Schedule 2 should be \$14,003.89, not \$14,004 or \$14,005.79. Petitioners state that \$14,003.89 is the amount the investment accounts have appreciated in value between February, 2007 (when the first account was filed) and July, 2007 (when the order for preliminary distribution was issued). Petitioners should show how they came up with this amount by showing the amount of appreciation for each investment account and each equity listed in paragraph 16 of the order for preliminary distribution. Petitioners need not amend Schedule 1 of their final account.
- (3) It is recommended that the Court deny Dawn Akel's request that Joseph D. Griffin's estate be surcharged interest on the \$25,128.98 paid in October, 2008.
- (4) It is recommended that the Court surcharge the estate of Joseph D. Griffin \$6,177.28 for the 12/26/06 and 4/17/07 payments made to Scott Griffin.
- (5) It is recommended that the Court surcharge the estate of Joseph D. Griffin \$12,777 for the tax payments made on 1/9/07 and 4/15/07. (Prob. Code, § 12002, subd. (b).)
- (6) It is recommended that the Court deny the request to surcharge the estate of Joseph D. Griffin \$391.00 for bank service charges.

(7) It is recommended that the Court require counsel for the Shriners and Dawn Akel (Gene Pendergast, Jr.) and counsel for Humboldt Community School District to appear at the hearing to present evidence concerning the parties' agreement about the amount of compensation the Law Offices of Robin Bevier would receive for this matter. Linda Mathes declares that the Law Offices of Robin Bevier was entitled to \$43,500.21 in statutory compensation and Ms. Bevier agreed to accept \$30,099.50 as her fee based on the understanding that the Shriners would waive the requirement of a "formal" final account and report.

(8) Lorin Scott Beatty should justify her objection to the final account and report. It is not clear why Ms. Beatty's claim precludes the approval of the final account and report by Jarrett Griffin and Stephen Griffin. There is a successor executor for the estate of Evelyn N. Griffin. It is not clear why Ms. Beatty could not pursue a claim against Evelyn N. Griffin's estate with Dawn Akel if Evelyn N. Griffin's estate is responsible for the reassessment taxes or why Ms. Beatty could not make a claim against the estate of Joseph D. Griffin if Mr. Griffin was responsible for paying the reassessment taxes.

**CASE: Estate of Billy Harold Newton**  
**Case No. CV PB 09-43**

It is recommended to deny the petition without prejudice. (Prob. Code, § 8461 et seq.; Objection to Petition for Letters of Administration filed by Martha Newton.) Ms. Martha Newton is entitled to priority for appointment as administrator as the surviving spouse.